

Paul G. Shearer
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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

PAUL G. SHEARER,)	
)	Case No. A03-0263 CV (JKS)
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, <i>et al</i> ,)	
)	
Defendants.)	
)	

DECLARATION OF PAUL G. SHEARER

Plaintiff Paul G. Shearer, of personal knowledge, states as follows:

1. That I am the Plaintiff in Case A03-0263 and that I have personal knowledge regarding the matters of fact asserted in this declaration.
2. This Declaration is offered in support of Plaintiff's Opposition to the United States' Motion For Partial Summary Judgment on the Pleadings (Docket 71, filed December 28, 2005).
3. Prior to February 12, 1998, I purchased interests in mining claims in the area known as the Kantishna Mining District. Some of my purchases are identified as Parcels 2 through 21 in the First Amended Complaint (Docket 21). Hereafter, all references to Parcels 2

through 21, or any one of them, refers to the parcels identified as such in the First Amended Complaint.

4. All of my interests in Parcels 2 through 21 were recorded in the Fairbanks Recording District, State of Alaska, with deeds and other instruments under the name of grantee "Paul Shearer" or "Paul G. Shearer." See complete List of Title Documents, copy attached as Exhibit 7 and separate title chain lists of title documents for individual Parcels attached as Exhibits 8-16 to previous Declaration of Paul Shearer filed with Opposition to Motion of United States for Partial Summary Judgment on Consent (Docket 65), also produced in response to United States' First Set Of Interrogatories, First Request For Production, and First Requests For Admissions To Paul G. Shearer (dated May, 11, 2005).

5. The List of Title Documents that relate to title for Parcels 1 through 21 comprises 328 documents. Prior to February 12, 1998, a total of 238 of these documents existed. 159 of the documents that existed prior to February 12, 1998, comprise recorded documents conveying interest to my predecessors in interest, and 29 additional documents pertain to recordations conveying an interest to "Paul G. Shearer" as grantee.

6. Joseph Quigley owned and conveyed to his predecessors a cabin and other structures including some on the Banjo mining claim. On February 11, 1994, I recorded the Quitclaim from Joseph Quigley predecessors that conveyed to me their remaining interests of mining claims in Kantishna including interests in Parcels 2-21 and all interests in the Banjo mining claim which include any structures on the Banjo mining claim. (See Exhibit 1).

7. The structure known as the Banjo Mill and surrounding out buildings are located primarily on the Banjo mining claim. I have personally been on the Banjo mining claim many

times and investigated the claim boundaries and these structures. I intended my Section 120 consent to include the Banjo mining claim, the Banjo Mill and associated structures and have recorded deeds and assignments to quiet the title.

8. On May 9, 1995, the United States acknowledged Shearer's ownership interest in the Banjo Mill and fixtures by way of the following excerpt from email from Paul Harrison:

"Chuck Gilbert ... also expressed to me that the NPS would like to purchase the Banjo Mill and fixtures, but that there is no money in the budget for it. They will continue to explore this option..."

9. On August 7, 1995, I recorded the Quitclaim from Fannie Quigley heirs that conveyed to me all of Fannie Quigley's Estate remaining interests in the Banjo mining claim and all remaining interest in real property held by the Grantors within Kantishna. (See Exhibit 2) This interest included an interest in structures including but not limited to any structures Fannie Quigley owned on the Banjo mining claim and other mining claims in Kantishna. Thus I consented these structures as interests in the mining claims I consented including but not limited to Parcels 7, 13, 19.

10. I consented Parcels 1-21 based on the understanding that an owner can consent portions of mining claims, including any rights and interests in and to those mining claims, such that the interest being consented results in vesting in the United States complete ownership of that a mining claim or a complete divided interest in the mining claim. For example it is valid to consent a remaining undivided ownership interest in a mining claim if the conveyance results in the United States obtaining 100% ownership of the mining claim.

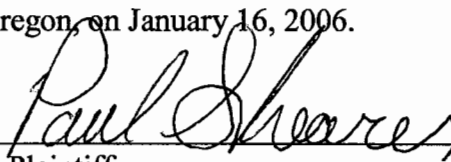
11. The Park Service acknowledged that an owner could therefore consent of a portion of a mining claim in their letter to Shearer dated May 29, 1998. (See Exhibit 3)

12. The Park Service also acknowledged that consents of portions of mining claims which were represented by a percent mineral interest or the placer mineral interest were valid because Park Service recorded Transfers of Ownership as a result of consents of those types of interests. (See Exhibits 4, 5)

* * * *

I declare under penalty of perjury that the foregoing is true and correct pursuant to U.S.C. § 1746.

Executed at Lake Oswego, Oregon, on January 16, 2006.

A handwritten signature in cursive script, reading "Paul G. Shearer", is written over a horizontal line.

Plaintiff

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